

IN THE CLAIMS

Please amend the claims as follows:

Claims 1-31 (Cancelled)

Claim 32 (Previously Presented): A DNA construct comprising:

a promoter DNA comprising SEQ ID NO: 1 or a fragment thereof that acts as a promoter for the high osmolarity response 7 (HOR7) gene in *Saccharomyces cerevisiae*; and  
a DNA that is operatively associated with the promoter DNA and encodes a protein having lactate dehydrogenase activity.

Claim 33 (Previously Presented): The DNA construct according to Claim 32, further comprising DNA that can homologously recombine with a yeast pyruvate decarboxylase 1 (PDC1) gene.

Claim 34 (Previously Presented): A plasmid or virus comprising the DNA construct of claim 32.

Claim 35 (Previously Presented): A cell that has been transformed with the DNA construct of claim 32.

Claim 36 (Previously Presented): The transformed cell of claim 35, wherein said DNA construct has been integrated into a chromosome.

Claim 37 (Previously Presented): The transformed cell of claim 35 that is a yeast.

Claim 38 (Previously Presented): The transformed yeast cell of claim 37,  
wherein said DNA construct has been integrated into a pyruvate decarboxylase  
(PDC1) gene of said yeast cell.

Claim 39 (Currently Amended): A method for producing lactic acid ~~an organic acid~~  
in a medium containing lactic acid comprising:

culturing the cell of claim 35, and  
recovering ~~an organic~~ lactic acid.

Claim 40 (Currently Amended): A method for producing ~~an organic~~ lactic acid in a  
medium containing lactic acid comprising:

culturing the cell of claim 38, and  
recovering ~~an organic~~ lactic acid.

Claim 41 (Cancelled): ~~The method of claim 39, wherein the organic acid is lactic~~  
~~acid.~~

Claim 42 (Cancelled): ~~The method of claim 40, wherein the organic acid is lactic~~  
~~acid.~~

Claim 43 (Previously Presented): A DNA construct comprising:  
a promoter DNA comprising SEQ ID NO: 1; and  
a DNA that is operatively associated with the promoter DNA and encodes a protein  
having lactate dehydrogenase activity.